

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case Nos. 3:18-cr-187
	:	3:22-cv-247
v.	:	
	:	Judge Thomas M. Rose
JUWAN CHINO DILLARD,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER REGARDING ANSWER TO MOTION TO VACATE  
UNDER 28 U.S.C. § 2255 FILED BY JUWAN CHINO DILLARD (DOC. NO. 126)**

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Defendant Juwan Chino Dillard (“Defendant”) has filed a Motion to Vacate, Set Aside, or Correct a Sentence, pursuant to 28 U.S.C. § 2255 (Doc. No. 126) (the “Motion”). The case is before the Court for initial consideration under Rule 4 of the Rules Governing § 2255 Proceedings.

It does not plainly appear from the face of the Motion, any attached exhibits, and record of prior proceedings in the case that Defendant is not entitled to relief. Accordingly, it is hereby ORDERED that the United States Attorney shall, not later than Monday, October 31, 2022, file an answer conforming to the requirements of Rule 5 of the Rules Governing § 2255 Cases. Specifically, said answer shall respond to each allegation made in the Motion, raise any affirmative defenses available to the United States, and state whether Defendant has previously received an evidentiary hearing on any of the matters he now raises or whether he is entitled, in the Government’s view, to an evidentiary hearing in this proceeding. Defendant may, not later than twenty-one days after the Answer is filed, file and serve a reply or traverse to the Answer. If the Government files a motion to dismiss, then Defendant’s time to file a memorandum in opposition will likewise be twenty-one days from service, as provided in S.D. Ohio Civ. R. 7.2(a).

Based on the Motion, Defendant has made claims relating to conversations between himself and his trial counsel. A claim of ineffective assistance of counsel impliedly waives the attorney-client privilege as to any attorney-client communications relevant to any such claim. *In re Lott*, 424 F.3d 446, 452-53 (6th Cir. 2005); *Tasby v. United States*, 504 F.2d 332 (8th Cir. 1974); *Randall v. United States*, 314 F.2d 800 (10th Cir. 1963); *United States v. Ballard*, 779 F.2d 287 (5th Cir. 1986); *Laughner v. United States*, 373 F.2d 326 (5th Cir. 1967); *Crutchfield v. Wainwright*, 803 F.2d 1103 (11th Cir. 1986).

**DONE** and **ORDERED** in Dayton, Ohio, this Wednesday, August 31, 2022.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE